



376

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Jurianus de Pauw et al.

Examiner: unknown

Serial No. 10/791,043

Group Art Unit: unknown

Filed: March 1, 2004

Confirmation No.: unknown

For: HVAC CONTROLLER

Docket No.: h27107-9950(1161.1156101)

**INFORMATION DISCLOSURE STATEMENT (37 C.F.R. §1.97(b))**

Mail Stop Amendment  
Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE UNDER 37 C.F.R. 1.8:** I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on this 18th day of October, 2004.

By: \_\_\_\_\_

Brian N. Tufte

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

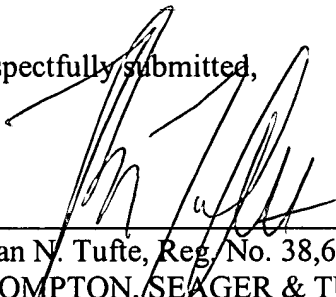
In accordance with 37 C.F. R. §1.98(a)(2), a copy of each non-US patent document or other information listed on the enclosed Form 1449 is provided.

No representation is intended to be made hereby that any of the cited references establishes, by itself or in combination with other information, a prima facie case of unpatentability of any claim of the present case.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Respectfully submitted,

Dated: October 18, 2004



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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

Application Number	10/791,043
Filing Date	March 1, 2004
First Named Inventor	Jurianus de Pauw
Art Unit	unknown
Examiner Name	unknown
Attorney Docket Number	H27107-9950(1161.1156101)

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<b>Remarks</b> Form PTO 1449 54 non-US patent references Return Postcard		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Crompton Seager & Tufts		
Signature			
Printed name	Brian N. Tufts		
Date	October 18, 2004	Reg. No.	38,638

**CERTIFICATE OF TRANSMISSION/MAILING**

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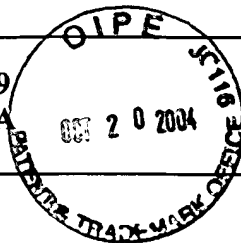
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Typed or printed name	Lynn Thompson	Date	October 18, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FORM PTO-1449  
MASTER DELTA**

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H27107-9950  
(1161.1156101)

Serial No.:  
10/791,043

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION  
DISCLOSURE STATEMENT**

Applicant: Jurianus de Pauw et al.

Filing Date:  
March 1, 2004

Group Art:  
Unknown

**U.S. PATENT DOCUMENTS**

Examiner Initial	Document No.	Date	Name	
	2002/0005435	01/2002	Cottrell	
	2002/0005435	01/2002	Cottrell	
	2002/0063680	05/2002	Lou et al.	
	2002/0145544	10/2002	Rodi	
	2002/0148317	10/2002	Onodera	
	2003/0034897	02/2003	Shamoon et al.	
	2003/0034898	02/2003	Shamoon et al.	
	2003/0078761	06/2002	Meyer	
	2003/0093907	05/2003	Schroter et al.	
	2003/0112157	06/2003	Strasser	
	2003/0121652	07/2003	Carey et al.	
	2003/0142121	07/2003	Rosen	
	2003/0209411	11/2003	McGrath, Jr. et al.	
	4,079,366	03/1978	Wong	
	4,174,807	11/1979	Smith et al.	
	4,206,872	06/1980	Levine	
	4,264,034	04/1981	Hyltin et al.	
	4,298,946	11/1981	Hartsell et al.	
	4,308,991	01/1982	Peinetti et al.	
	4,337,822	07/1982	Hyltin et al.	
	4,382,544	05/1983	Stewart	
	4,386,649	06/1983	Hines et al.	
	4,388,692	07/1983	Jones et al.	
	4,431,134	02/1984	Hendricks et al.	
	4,442,972	04/1984	Sahay et al.	
	4,446,913	05/1984	Krockner	
	4,479,604	10/1984	Didner	
	4,606,401	08/1986	Levine et al.	
	4,621,336	11/1986	Brown	

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	4,717,333	01/1988	Carignan	
	4,725,001	02/1988	Carney et al.	
	4,730,110	03/1988	Spaulding	
	4,837,731	07/1989	Levine et al.	
	4,881,686	11/1989	Mehta	
	4,918,439	04/1990	Wozniak et al.	
	4,948,040	08/1990	Kobayashi et al.	
	4,992,779	02/1991	Sugino et al.	
	4,997,029	03/1991	Otsuka et al.	
	5,005,365	04/1991	Lynch	
	5,012,973	05/1991	Dick et al.	
	5,038,851	08/1991	Metha	
	5,065,813	11/1991	Berkeley et al.	
	5,088,645	02/1992	Bell	
	5,161,606	11/1992	Berkeley et al.	
	5,181,653	01/1993	Foster et al.	
	5,230,482	07/1993	Ratz et al.	
	5,246,649	09/1993	Mattei et al.	
	5,251,813	10/1993	Kniepkamp	
	5,259,445	11/1993	Pratt et al.	
	5,329,991	07/1994	Metha et al.	
	5,348,078	09/1994	Dushane et al.	
	5,482,209	01/1996	Cochran et al.	
	5,526,422	06/1996	Keen	
	5,537,106	07/1996	Mitcuhashi	
	5,566,879	10/1996	Longtin	
	5,570,837	11/1996	Brown et al.	
	5,673,850	10/1997	Uptegraph	
	5,771,594	06/1998	Feichtinger	
	5,782,296	07/1998	Metha	
	5,873,519	02/1999	Beilfuss	
	5,901,183	05/1999	D' Souza	

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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	Filing Date: March 1, 2004	Group Art: Unknown

	5,902,183	05/1999	D' Souza	
	5,937,942	08/1999	Bias et al.	
	6,032,867	03/2000	Dushane et al.	
	6,196,467	03/2001	Dushane et al.	
	6,208,331	03/2001	Singh et al.	
	6,315,211	11/2001	Sartain et al.	
	6,318,639	11/2001	Toth	
	6,351,693	02/2002	Monie et al.	
	6,353,429	03/2002	Long	
	6,449,533	09/2002	Mueller et al.	
	6,502,758	01/2003	Cottrell	
	6,518,682	02/2003	Weaver et al.	
	6,518,957	02/2003	Lehtinen et al.	
	6,525,675	02/2003	Rodi	
	6,542,088	04/2003	Beilski et al.	
	6,581,846	06/2003	Rosen	
	6,595,430	07/2003	Shah	

#### FOREIGN PATENT DOCUMENTS

Examiner Initial	Document No.	Date	Country	Translation Yes No

#### OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

	Bourns, ECW - "Digital Contacting Encoder," 3 pages, April 2003. ¶
	Braeburn, "Model 3000 Digital Heat/Cool Non-Programmable," 2 pages, printed December 9, 2003, <a href="http://www.braebouronline.com/model3000.html">http://www.braebouronline.com/model3000.html</a> . ¶
	Carrier, "Programmable Dual Fuel Thermostat," Installation, Start-Up & Operating Instructions, pp.1-12, October 1998. ¶
	Carrier, "Programmable Thermostats," Installation, Start-Up & Operating Instructions, pp.1-16, September 1998 ¶
	Carrier, "Standard Programmable Thermostat," Homeowner's Manual, pp.1-8 pages, 1998. ¶
	Carrier, "Thermidistat Control," Installation, Start-Up, and Operating Instructions," pp. 1-12, August 1999. ¶
	CorAccess, "Companion 6," User Guide, pp.1-20, June 17, 2002. ¶

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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	Filing Date: March 1, 2004	Group Art: Unknown

	Eco-Stat Website, <a href="http://www.ecomfg.net">http://www.ecomfg.net</a> , 4 pages, printed September 30, 2003 and October 1, 2003.
	<a href="http://www.thermostatsales.com">http://www.thermostatsales.com</a> , Robertshaw, "9610 Digital Programmable Thermostat," 3 pages, printed June 17, 2004.
	<a href="http://www.thermostatsales.com">http://www.thermostatsales.com</a> , Robertshaw, "9700 Deluxe Programmable Thermostat" 3 pages, printed June 17, 2004.
	<a href="http://www.thermostatsales.com">http://www.thermostatsales.com</a> , Robertshaw, "9710 Deluxe Programmable Thermostat," 3 pages, printed June 17, 2004.
	<a href="http://www.thermostatsales.com">http://www.thermostatsales.com</a> , Robertshaw, "9720 Deluxe Programmable Thermostat," 3 pages, printed June 17, 2004.
	Hunter, "44200/44250," Owner's Manual, 32 pages, printed prior to filing date.
	Hunter, "44300/44350," Owner's Manual, 35 pages, printed prior to filing date.
	Hunter, "Auto Saver 550", Owner's Manual Model 44550, 44 pages, printed prior to filing date.
	Invensys™, "9700i 9701i 9715i 9720i Deluxe Programmable Thermostats," User's Manual, pp.1-28, printed prior to filing date.
	Lux, "511 Series Smart Temp Electronic Thermostat," Owner's Manual, 3 pages, printed prior to filing date.
	Lux, "600 Series Smart Temp Electronic Thermostat," Owner's Manual, 3 pages, printed prior to filing date.
	Lux, "602 Series Multi-Stage Programmable Thermostat," Owner's Manual, 2 pages, printed prior to filing date.
	Lux, "605/2110 Series Programmable Heat Pump Thermostat," Owner's Manual, 3 pages, printed prior to filing date.
	Lux, "700/9000 Series Smart Temp Electronic Thermostat," Owner's Manual, 3 pages, printed prior to filing date.
	Lux, "PSPH521 Series Programmable Heat Pump Thermostat," Owner's Manual, 3 pages, printed prior to filing date.
	Lux, "TX500: Smart Temp 500, 2 pages, printed December 9, 2003, <a href="http://www.luxproducts.com/thermostats/tx500.htm">http://www.luxproducts.com/thermostats/tx500.htm</a> .
	Lux, "TX1500 Series Smart Temp Electronic Thermostat," Owner's Manual, 6 pages, printed prior to filing date.
	Lux, "TX500 Series Smart Temp Electronic Thermostat," Owner's Manual, 3 pages, printed prior to filing date.
	Lux, "ELV1 Programmable Line Voltage Thermostat," Owner's Manual, 3 pages, printed prior to filing date.

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	Filing Date: March 1, 2004		Group Art: Unknown
	LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT		

	METASYS, "HVAC PRO for Windows User's Manual," 308 pages, 1998. 4
	Millier, "Using Rotary Encoders as Input Devices," Circuit Cellular, Issue 152, 6 pages, March 2003. 4
	<a href="http://www.ritetemp.info/rtMenu_13.html">http://www.ritetemp.info/rtMenu_13.html</a> , Rite Temp 8082, 8 pages, printed June 20, 2003. ,
	RE16 Series Mechanical Incremental Rotary Encoder, 3 pages, prior to filing date. 1
	Totaline, "1 For All programmable Digital Thermostat," Owner's Manual P/N P374-1100FM, 23 pages, November 1998 1
	Totaline, "1 For All Programmable Digital Thermostat," Owner's Manual P/N P474-1050, 21 pages, November 1998. 1
	Totaline, "1 For All Programmable Digital Thermostat," Owner's Manual P/N P374-1100, 24 pages, April 2001. 1
	Totaline, "Intellistat Combination Temperature and Humidity Control," Owner's Manual P/N P374-1600, 25 pages, June 2001. ,
	Totaline, "Programmable Thermostat Configurable for Advanced Heat Pump or Dual Fuel Operation," Owner's Manual P/N P374-1500, 24 pages, June 1999. 1
	Totaline, "Instructions P/N P474-1010", Manual, 2 pages, December 1998. ,
	Totaline, "Programmable Thermostat", Homeowner's Guide, 27 pages, December 1998. 1
	Totaline, "Wireless Programmable Digital Thermostat," Owner's Manual 474-1100RF, 21 pages, 2000. 1
	Warmly Yours, "Model TH111GFCI-P (120 VAC)," Manual, pp. 1-4, printed prior to filing date. ,
	White-Rodgers, "Installation Instructions for Heating & Air Conditioning IF72 5/2 Day Programmable Heat Pump Thermostat," 8 pages, printed prior to filing date. 1
	White-Rodgers, "Installation Instructions for Heating & Air Conditioning IF78 5/2 Day Programmable Thermostat," 7 pages, printed prior to filing date. 1
	White-Rodgers, "Comfort-Set 90 Series Thermostat," Manual, pp.1-24, printed prior to filing date. 1
	White-Rodgers, "Comfort-Set III Thermostat," Manual, pp.1-44, printed prior to filing date. ,
	White-Rodgers, 1F80-240 "(for HEATING ONLY systems) Programmable Electronic Digital Thermostat," Installation and Operation Instructions, 8 pages, printed prior to filing date. 1
	White-Rodgers, 1F80-241 "Programmable Electronic Digital Thermostat," Installation and Operation Instructions, 6 pages, printed prior to filing date. 1
	White-Rodgers, 1F80-261 "Programmable Electronic Digital Thermostat," Installation and Operation Instructions, 8 pages, printed prior to filing date. 1
	White-Rodgers, 1F81-261 "Programmable Electronic Digital Multi-Stage Thermostat," Installation and Operation Instructions, 8 pages, printed prior to filing date. 1



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LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	Applicant: Jurianus de Pauw et al.	
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	White-Rodgers, 1F82-261 "Programmable Electronic Digital Heat Pump Thermostat," Installation and Operation Instructions, 8 pages, printed prior to filing date. #
	<a href="http://www.icmcontrols.com">www.icmcontrols.com</a> , Simplecomfort, SC3000 Single Stage Heat/Single Stage Cool or Single Stage Heat Pump/Manual Changeover, 1 page, printed prior to filing date. 1
	<a href="http://www.icmcontrols.com">www.icmcontrols.com</a> , Simplecomfort, SC3001 Single Stage Heat/Single Stage Cool or Single Stage Heat Pump/Manual Changeover, 1 page, printed prior to filing date. \
	<a href="http://www.icmcontrols.com">www.icmcontrols.com</a> , Simplecomfort, SC3006 Single Stage Heat/Single Stage Cool or Single Stage Heat Pump/Manual Changeover, 1 page, printed prior to filing date. 1
	<a href="http://www.icmcontrols.com">www.icmcontrols.com</a> , Simplecomfort, SC3201 2 Stage Heat Pump Manual Changeover, 1 page, printed prior to filing date. 1
	<a href="http://www.icmcontrols.com">www.icmcontrols.com</a> , Simplecomfort, SC3801 2 Stage Heat/2 Stage Cool 2 Stage Heat Pump/Audio Changeover, 1 page, printed prior to filing date. 1
EXAMINER:	DATE CONSIDERED:

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